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EXAMINER

HENRY, THOMAS HAYNES

ART UNIT

PAPER NUMBER

3714

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/538,258

Applicant(s)

SERAFAT, REZA

Examiner

THOMAS H. HENRY

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 14-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 14-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 6, 7, 9-11, 14, 15, 17, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Unreal Tournament 2003 (game) as evidenced by Unreal Tournament 2003 Game Manual and theadminpage.planetunreal.gamespy.com. (relied upon as extrinsic evidence only)

3. In re claims 1, 14, 18, and 19 Unreal Tournament 2003 discloses

- Running a multi player game application (Game Manual page 9)
- Receiving an indication that said player taking part in said multi-player game is absent, and continuing the game by simulating the participation of said player who is actually absent (Game Manual page 9. You can set a minimum number of players such that if a player drops out of a multi-player match, and the total number of players falls below the minimum number, the player is replaced with a bot. A bot simulates the participation of a player in that it attempts to get kills. This is evidenced by theadminpage.planetunreal.gamespy.com page 5)

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4. Applicant also claims the components necessary to run the method described (such as memory and a processor). (game manual page 2)
5. In re claims 2 and 15, Unreal Tournament 2003 discloses a network based multiplayer game (game manual page 9. The internet is a network)
6. In re claim 6, Unreal Tournament 2003 discloses said indication that a player is absent comprises a notification received from said absent player (a player "forfeits" to disconnect from the server as the indication that he is leaving. Game manual page 9)
7. In re claim 7, Unreal Tournament 2003 discloses sending a notification to at least one of said players of said multi-player game said notification comprising an information that the participation of at least one player is actually simulated (when a player disconnects, a new player with a bot name will be added to the score list)
8. In re claim 9, Unreal Tournament 2003 discloses terminating said simulation of the participation if said absent player returns to the game (if the player returns, he will take the place of one of the bots, theadminpage.planetunreal.gamespy.com page 5)
9. In re claims 10 and 11, Unreal Tournament 2003 discloses program code stored on a computer readable medium (game manual page 2)
10. In re claim 17, Unreal Tournament 2003 discloses said simulation comprising an artificial intelligence component

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Unreal Tournament 2003 in view of Begis (US 6024643).

13. In re claim 3, Unreal tournament 2003 discloses the claimed invention except the invention claimed in claim 3, However Begis discloses

- Monitoring the inputs of at least one player of said multi-player game (column 1 lines 5-11)
- Analyzing said inputs to determine gaming characteristics of said at least one monitored player (column 1 lines 5-11)
- Simulating the participation of said absent player in correspondence with said determined gaming characteristic (column 2 lines 65-67, column 3 lines 1-12)

14. It would have been obvious to one skilled in the art at the time the invention was made to combine Unreal Tournament 2003 with Begis in order to allow for a more realistic experience.

15. In re claim 4, Begis discloses determining a result of said game based on said determined gaming characteristics of said at least one monitored player (column 3 lines 15-22)

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16. In re claim 5, Begis discloses transferring said determined gaming characteristics to another gaming device (column 6 lines 36-52)

17. Claims 8 and 16 are rejected under 35 U.S.C 103(a) as being unpatentable over Unreal Tournament 2003.

18. In re claim 8, Unreal tournament 2003 discloses the claimed invention except for interruption of said game if all players are absent. However stopping a game where all the players are bots was a well known technique. It would have been obvious to one skilled in the art at the time the invention was made to stop the game when all players stopped playing because the game would no longer have any active members interested in the game.

19. In re claim 16, Unreal Tournament 2003 discloses the claimed invention except for a mobile telephone. However playing first person shooters on mobile telephones was well known in the art at the time the invention was made. It would have been obvious to one skilled in the art at the time the invention was made to combine Unreal Tournament 2003 with this well known gaming device in order to allow for the game to be played on a phone.

Response to Arguments

20. Applicant's arguments filed 5/14/09 have been fully considered but they are not persuasive.

21. Applicant argues that the assertion "you can set a minimum number of players such that if a player drops out of a multiplayer match, and the total number of players falls below the minimum number, the player is replaced with a bot" is incorrect. Applicant argues that "the setting of a minimum number of

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players for a game is determined by the hosting player prior to the game, when establishing a game for other players to join. There is no indication that the ability of the hosting player to set a minimum number of players means that bots are used to reach that number after the game has started if a player leaves. The minimum number represents the number of players that the game must have prior to starting the game." The Unreal Tournament series uses the minimum number of players feature as disclosed by the examiner, as evidenced by theadminpage.planetunreal.gamespy.com (NPL) "'Min. Total Players" this is the minimum number of player (Human and BOTS) that will be maintained in the game. If the Human Player count drops below this then the BOTS will come in to keep the number at the minimum. As Human players enter the game, the BOTS will leave. If the Human player count goes to this number then there will be "NO" BOTS." As the rejection was off Unreal Tournament 2003, the addition of additional material in order to clarify how the game itself works does not constitute a new art rejection, and thus the rejection is still final.

22. Applicant argues that Unreal Tournament fails to show 'simulating participant of *said* player." As this limitation is broad, given its broadest reasonable interpretation, a generic bot would simulate participation of said player, as both the bot and the player attempt to win the game by getting kills and not getting kills.

23. In re claim 6, applicant argues that Unreal Tournament 2003 does not disclose an indication being received from sent player. However a player

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disconnecting is an indication that the player has left that has been sent by the player.

24. In re claim 7, applicant argues that the text box on page 12 does not show that another player has forfeited. As the rejection also states that the new player with the bot name is added to the score list, and this rejection has not been traversed, the claim stands rejected even without this text box rejection.

25. All official notice is taken as applicant admitted prior art (MPEP 2144.03 (c))

Conclusion

26. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **THOMAS H. HENRY** whose telephone

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number is (571)270-3905. The examiner can normally be reached on M-F 9 AM - 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on 571-272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/
Supervisory Patent Examiner, Art Unit 3714

Thomas H Henry
Examiner
Art Unit 3714